



08.01-12/23/98-86

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

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Dennis H. Treacy  
Director

Francis L. Daniel  
Tidewater Regional Director

## LETTER OF NONCOMPLIANCE

December 23, 1998

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ms. Lesa D. Archie-Barnes  
Supervisory, Environmental Protection Specialist  
Norfolk Naval Shipyard, OSHE  
Code 106.321, Building M-22  
Portsmouth, Virginia 23709

**RE: PC 99-7288, Unpermitted Solid Waste Disposal-IRP Site 5, St. Julians Creek  
Annex, Portsmouth**

Dear Ms. Barnes:

On December 2, 1998, Department of Environmental Quality, Tidewater Regional Office, conducted inspections at the facility's IRP Sites. While accompanying the USEPA throughout the installation, solid waste generated during the cleanup of Hurricane Bonnie was noted at IRP Site 5. The waste noted included; vegetative waste, utility poles, household garbage, and metal. This condition is an apparent violation of State Solid Waste Law and regulations, VA Code § 10.1-1408.1.A and 9 VAC 20-80-90.A.1.

Please submit within 10 days of receipt of this letter, a written explanation of corrective actions your facility intends to take or has taken to correct the identified compliance deficiencies. Please include a time schedule for these corrective actions.

Your letter will assist our staff in maintaining a complete and accurate record of the compliance status of your facility. Compliance may be verified by on-site inspection or other appropriate means. If correction of these deficiencies will take longer than 90 days, please submit a plan and schedule for inclusion in a Letter of Agreement or Consent Order. Failure to respond may result in enforcement action by DEQ.

Enclosure (1)

Ms. Barnes

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Letter of Noncompliance is not an agency proceeding or determination which may be considered a case decision under the Virginia Administrative Process Act, Va. Code § 9-6.14:1 *et seq.* Please contact me at (757) 518-2180 if you have any questions about the content of this letter or need additional guidance in achieving or maintaining compliance.

Sincerely,



Kerita L. Kegler

WC Enforcement/Compliance Specialist Sr.

cc: Mr. Gary Koerber, COMNAVBASE  
TRO Prep File